Registered No. M—1175.

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The Mysore Gazette.

Vol. 59.] PUBLISHED BY AUTHORITY. [No. 6.

BANGALORE, THURSDAY, FEBRUARY 7, 1924.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 4347—*Legis.* 13-23-22, *dated 5th February* 1924.

In exercise of the general powers vested in them under Section 6(1) of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules for the conduct of business and procedure to be followed in the council:—

I. DEFINITION.

1. In these Rules—

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "Clear days," Sundays and authorised general holidays are not included.

"Secretary" means the Secretary to the Legislative Council and includes any person duly authorised to perform the duties of the Secretary.

"Member" means a member of the Mysore Legislative Council.

"Council" means the Mysore Legislative Council.

"Regulation" means the Mysore Legislative Council Regulation.

II. REGULATION OF DISCUSSIONS.

2. The President shall preserve order and shall decide all points of order submitted for his decision by the members and all questions connected with the interpretation of these rules. He shall have all powers necessary for the purpose of enforcing his decisions. There shall be no discussion on any point of order and the President's decision shall be final.

3. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

III. Motion for Adjournment for purposes of Debate.

4. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

5. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

(*i*) not more than one such motion shall be made at the same sitting;

(*ii*) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;

(*iii*) the motion must not revive discussion on a matter which has been discussed in the same session;

(*iv*) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given and,

(*v*) the motion must not deal with a matter on which a resolution could not be moved.

IV. Legislation.

6. Any member who may have obtained the previous sanction of the Dewan in writing to introduce a Bill into the Council may move at a meeting of the Council for leave to introduce the same in accordance with proviso (i) to section 9 of the Regulation, provided that at least 15 clear days previous notice of the title and subject of the Bill has been given to the Secretary:

Provided further that, in the case of Bills brought forward by private members, the draft Bill together with a statement of the general principles as well as the objects and reasons shall be sent to the Dewan with the application for sanction.

7. If the motion for leave to introduce a Bill be carried, the mover shall send the Bill, together with a full statement of the objects of and reasons for the proposed measure and any connected papers, to the Secretary who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the official Gazette in English and Kannada.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

8. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and the reasons for it, in the official Gazette in English and in Kannada, although leave to introduce the Bill has not been applied for under Rule 6; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 6 for leave to introduce it.

9. Any Bill respecting which no motion has been made in the Council for the space of two years, may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

10. The Dewan or the member in charge of a Bill may entrust it to any other member, and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these rules.

V. BUDGET. 360

11. The resolutions of the Representative Assembly on the Budget shall be communicated to the members of the Legislative Council for their information.

12. The estimated annual revenue and expenditure of the State hereinafter referred to as the 'budget' which is required to be laid in the form of a statement before the Council under Section 13 of the Mysore Legislative Council Regulation, XIX of 1923, shall be presented in such form as the Government may consider best fitted for the consideration of the Council.

13. Copies of the Budget shall be despatched to the members of the Council at the same time that they are despatched to the members of the Representative Assembly.

14. *Stages of Budget Debate.*—The Budget shall be dealt with by the Council in two stages, *viz.*,

(*i*) A general discussion.

(*ii*) The voting of demands for grants.

15. *General discussion.*—(*i*) On such day subsequent to the despatch of copies of the Budget to the members of the Council as may be appointed by the Government and for such time, not more than two days as the Government may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but at this stage no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(*ii*) The Secretary to Government in the Financial Department shall have a general right of reply at the end of the discussion and the President may, if he thinks fit, make any remarks.

(*iii*) The President may, if he thinks fit, prescribe a time limit for speeches.

16. (*a*) *Demands for grants.*—(1) The demands of the Government for grants shall be made by the Member of Council in charge of the Department, provided that when the Dewan is the member in charge of the Department he may entrust the duty to a Member of Council or to the Head of the Department or the Secretary in charge.

(2) In the course of the discussion for demands for grants, the President shall have descretion to admit new motions of demands for grants not contained in the Budget.

(3) A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government, provided that the Government may in their discretion include in one demand grants proposed for two or more departments, or make a demand for any specific purpose or in respect of expenditure which cannot readily be classified under particular departments.

(4) Each demand shall contain a statement of the total grant proposed as also a statement of the detailed estimate under such grant divided into items.

(5) The demand to be submitted to the vote of the Council and the heads of accounts to be comprised under each demand shall, for the present, be as in the appended statement. Each of these demands will be treated as a major head for purposes of voting by the Council. This classification may, from time to time, be revised by Government.

(*b*) *Voting of grants.*—(*i*) Not more than four days shall be allotted by the Government for the discussion of the demands of the Government for grants.

(*ii*) Of the days so allotted not more than one day shall be allowed by the Government to the discussion of any one demand. As soon as the maximum limit of time is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(*iii*) On the last day of the allotted days at 5 P.M., the President shall forthwith put every question necessary for the

disposal of all the outstanding matters in connection with the demands for grants.

17. (*i*) *Motions at this stage.*—No motion for appropriation can be made except on the recommendation of the Government communicated to the Council.

(*ii*) Motions may be moved at this stage to omit or reduce any grant or any item in a grant but not to increase a grant or to alter the destination of a grant.

(*iii*) Notice of a motion to omit or reduce any grant shall be given seven clear days before the date fixed for the general discussion of the Budget, provided that the President may at his discretion allow a motion at shorter notice.

(*iv*) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(*v*) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

18. The President may disallow discussion likely to disclose confidential matter which might injuriously affect the commercial undertakings of the State.

19. *Restored grants and emergency expenditure.*—If the Government decide that any demand which has been omitted or reduced by the Council is essential to the carrying on of any department or for the discharge of Government's responsibility and act as if such demand has been assented to, or if the Government, in case of emergency, authorise such expenditure as in their opinion is necessary for the safety or tranquillity of the State or any part thereof or for the discharge of Government's responsibility, the Government shall, as soon as may be, thereafter cause to be laid on the table of the Council a statement showing the action so taken by the Government, but no motion shall be made in regard to that action nor shall that statement be discussed.

20. *Excess grants.*—When money has been spent on any service for which the vote of the Council is necessary during any financial year in excess of the amount of grant for that service and for that year, a demand for the excess shall be presented to the Council and shall be dealt with by the Council in the same way as if it were a demand for a grant.

21. *Supplementary or Additional Grants.*—(1) An estimate shall be presented to the Council for a supplementary or additional grant when

(*i*) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(*ii*) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget of that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

22. *Reappropriation.*—After grants have been voted by the Legislative Council, reappropriations within any grant may be sanctioned by Government.

23. *Committee on Public Accounts.*—(1) As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Government.

(2) Exclusive of the Chairman, the total strength of the Committee on Public Accounts shall be six, of whom two-thirds shall be elected by the non-official members of the Council and the remaining one-third nominated by the Government.

(3) The Finance Member of the Council of His Highness the Maharaja shall be the Chairman of the Committee, provided that when the Dewan is the Member in charge of the financial portfolio, one of the other Members of the Council appointed

(c) with instructions to the Select Committee to make particular or additional provision in the Bill, or

(iii) that the consideration of the Bill and the report be postponed to a subsequent meeting.

If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted.

The discussion upon a motion under this order shall not extend to the principles of the Bill.

56. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Order 26, and the Secretary shall enter the same in the statement of business prepared under Order 10; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of amendments which have been carried.

57. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved, they shall be considered in the order of the sections to which they relate. Proposed amendments of Bills shall be governed by Orders 28, 29, 30, 32 and 33 relating to motions.

58. The President may declare that a proposed amendment of a Bill shall not be discussed or put to the vote on the ground that it is irrelevent or incomplete or that an amendment identical in substance with it has been previously disposed of by the Council in considering the same Bill.

59. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee) and such other amendments as may be proposed by any of the members before the Council, have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting. At such meeting, the Council shall consider the amendments, if any, moved on behalf of Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

IX. Final Stages of Bills.

60. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the Sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja.

61. The Dewan shall communicate His Highness' assent or dissent to the Council by certificate in writing at the foot of the Bill, and the Bill with such certificate shall be lodged in the records of the Council.

62. No member shall make any motion upon, or otherwise bring under the consideration of the Council, the exercise by His Highness of the prerogative of withholding assent to a Bill, or of according sanction to it with any alteration which His Highness may consider it necessary.

63. When a Bill has received the assent of His Highness the Maharaja under Section 11 of the Regulation, it shall be published in the *Official Gazette* in English and in Kannada.

X. Rules Relating to Petitions.

64. Petitions to the Council must—

(1) relate to some matter actually under the consideration of the Council;

(2) be superscribed 'to the Legislative Council';

(3) be dated and signed by the Petitioner or Petitioners;

(4) be in respectful and temperate language; and

(5) conclude with a distinct prayer.

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65. If a petition is not in conformity with Order 64, or if the Secretary sees reason to doubt the authenticity of any signature appended thereto, he shall certify the same, on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the petitioner or petitioners with a statement of the reason for such rejection.

66. If the petition is in conformity with Order 64, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. ADMITTANCE OF STRANGERS.

67. Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary. Such application shall be made through a member at least two clear days before the meeting. Responsibility with respect to any visitor will rest solely on the member introducing him.

68. The President may, at any time during the sitting of the Council, direct that all strangers shall withdraw.

69. If a Bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committee thereof and if any person whose interests are so affected apply to the Council or Select Committee for permission to be heard, either personally or by counsel, on the subject of the Bill; the Council or Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

70. Except as provided in Order 69, no stranger shall be permitted to address the Council or any Select Committee.

71. Any member may move that the hearing of any person who has been permitted under Order 69 to address the Council or a Select Committee, shall cease, if such person is irrelevant or unduly prolix, or for any other sufficient reason.

XII. DUTIES OF THE SECRETARY.

72. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding Orders :—

(1) to take charge of the records of the Council ;

(2) to keep the prescribed books ;

(3) to attend all meetings and to take minutes and maintain a correct record of the proceedings ;

(4) to communicate all votes on the Budget to the Government in the Financial Department, and all other resolutions to the Government in the Departments concerned ;

(5) to superintendent the printing of all papers ordered to be printed ;

(6) to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors ;

(7) to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof ;

(8) to carry on correspondence under the orders of the Council ;

(9) to help, when required to do so, in the framing of Bills ;

(10) to generally assist the Council.

XIII. BOOKS AND RECORDS.

73. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted

as soon as possible after each meeting to the President for his confirmation and signature. 352

A copy of such abstract shall also be published in the official Gazette in English and in Kannada, as soon as may be, afte the conclusion of each meeting.

74. A register and index of all letters and petitions addressed to, or despatched under the orders of, the Council shall be maintained.

XIV. QUESTIONS.

75. The member wishing to put any questions shall send them up at least fifteen clear days before the date fixed for the meeting to the Secretary to the Legislative Council, the notice to be signed by as many other non-official members as may wish to support the question.

76. The President may, if he thinks fit, allow a question in any case with shorter notice than fifteen clear days and may in any case require longer notice, if he thinks fit, or extend, if necessary, in time for answering a question.

77. All the questions which are allowed by the President shall be entered in the Agenda paper for the meeting of the Legislative Council.

78. Questions shall be put and answers given in such manner as the President may, in his discretion, determine.

79. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules relating to questions framed by Government under Section 14 of the Mysore Legislative Council Regulation, XIX of 1923.

80. The member who answered the original question may decline to answer, a supplementary question without notice, in which case the supplementary question may be put in the form of a fresh question at a subsequent meeting of the Council.

81. The Secretary shall call the name of each interpellator and specify the serial number of his question and make a sufficient pause to allow him a reasonable opportunity of rising in his place to put the question and if he is so desirous, to put a supplementary question after the answer has been furnished. Supplementary questions must be put immediately after the principal questions to which they relate.

82. The President may rule in his discretion that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest.

83. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

84. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

XV. RESOLUTIONS.

85. No resolution shall be taken into consideration by the Council unless it is seconded.

86. The discussion of resolutions shall take place after all the other business of the day has been concluded.

87. (1) After the mover of a resolution has spoken, other members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply.

(2) No member other than the mover and the Member of His Highness' Council in charge of the department concerned shall speak more than once to any motion, except with the permission of the President, for the purpose of making an explanation.

88. No speech, except with the permission of the President, shall exceed fifteen minutes in duration.

Provided that the mover of a resolution, when moving the same, and the Member of His Highness' Council in charge of the department concerned, may speak for thirty minutes.

89. Any member may send his speech to the Secretary not less than two clear days before the day fixed for the discussion of resolution, with as many copies as there are members, and the Secretary shall cause one of such copies to be supplied to every member.

90. The discussion of a resolution shall be limited to the subject of the resolution and shall not extend to any matter as to which a resolution may not be moved.

91. When a resolution is under discussion, any member may, subject to all the conditions and restrictions relating to the resolutions move an amendment to such resolution.

Provided that an amendment may not be moved which has merely the effect of a negative vote:

Provided further that no amendment shall be taken into consideration by the Council unless it is seconded.

92. Every amendment proposed shall be handed in writing to the Secretary.

93. A member who has moved a resolution or an amendment of a resolution may withdraw the same unless some member desires that it be put to the vote.

94. When, in the opinion of the President, a resolution and any amendment thereto have been sufficiently discussed, he may close the discussion by calling upon the mover to reply and the Member of His Highness' Council in charge of the department concerned to submit any final observation which he may wish to make.

Provided that the President may in all cases address the Council before putting the question to the vote.

95. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

96. If any resolution involves many points, the President at his discretion may divide it so that each point may be determined separately.

97. (1) Every question shall be resolved in the affirmative or in the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall be taken by division if any member so desires.

(3) The President shall determine the method of taking votes by division.

XVI. AMENDMENT OF STANDING ORDERS.

98. Unless the President otherwise directs, not less than fifteen days notice of a motion for leave to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendment.

99. The motion shall be set down for such day as the President may direct.

100. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places and if more than twenty members rise accordingly, the President shall intimate that the member has the leave of the Council.